



Docket No.: 1916.1001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Michihito KUMAYAMA

Serial No. 10/564,979

Group Art Unit: 3721

Confirmation No. 5431

Filed: January 18, 2006

Examiner: Low, Lindsay M

For: STAPLER AND CONNECTED STAPLE ASSEMBLY CASSETTE

COMMENT ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Notice of Allowability mailed June 23, 2008, included an Examiner's Statement of Reasons for Allowance (hereafter, the "Statement").

Please note that MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

It is respectfully submitted that the Statement paraphrases claim language, and does not accurately quote the specific language of the various claims. It is respectfully submitted that such paraphrasing is not proper "reasons for allowance" as directed by 37 C.F.R. §1.104 and as explained in M.P.E.P. §1302.14.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's paraphrasing of the claims.

Serial No.: 10/564,979


Docket No.: 1916.1001

In summary, it is respectfully submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: September 12, 2008

By: 
Michelle M. Koeth
Registration No. 60,707

Suite 700
1201 New York Avenue, N.W.
Washington, D.C. 20005
(202) 434-1500